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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JUN 03 2019

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED _____
DOCKETED _____
DATE _____ INITIAL _____

RICHARD LARRY SELF
Petitioner, Pro Se,

V.

UNITED STATES OF AMERICA,
Respondent,

§
§
§
§
§
§
§
§

**MOTION FOR PRO SE PLEADING
TO BE LIBERALLY CONSTRUED**

Case No. 3:18-cv-08070-DGC-MHB
3:13-cv-08199-PHX-DGC
3:10-cr-08036-DGC-1

**** DISCLAIMER ****

Where plaintiff is indigent and unable to afford the representation of professional counsel, he is, therefore, forced to proceed Pro Se, and as such, plaintiff requests that his Pro Se pleading be liberally construed, and/or allowed to be given leave to adequately amend his pleading(s) if necessary.

**** See; Erickson V. Pardus, 551 U.S. 89, 94 (2007); Which held that "[a] document filed pro se is to be liberally construed," as "a pro se pleading, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers."**

Respectfully submitted.

Date

Richard Larry Self
Petitioner / Pro Se
Reg. No. 30099-008

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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

RICHARD LARRY SELF
PETITIONER

Vs.

UNITED STATES OF AMERICA
RESPONDENT

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52 (b) MOTION

Comes now Richard Larry Self, Pro Se with this 52(b) motion of plain and clear error.

Fed. R. Crim. Proc. 52(b) Plain error: An error that is so obvious and prejudicial that an appellate Court should address it despite the parties failure to raise a proper objection at trial

Plain Error requires four components: **First** There must indeed be an error; that is, a non-waived deviation from legal rule. **Second**, the plain error must be plain, Plain synonymous with clear or, equivalently, obvious **Third**, Appellant must demonstrate that the plain error affected his substantial rights, in sentencing, appeals, this requires showing a reasonable probability that he would have received a different sentence but for the error. **Finally**, Courts of Appeals typically correct plain forfeited error affecting substantial rights only if the error seriously affects the fairness, integrity or public reputation of judicial proceedings.

On February 13, 2019, notice was given of the receipt of Mr. Self's Judicial Misconduct Complaint. Docket numbers, 19-90041, 19-40042, 19-40043, 19-40044 and 19-40045 were respectively assigned to that matter.

On March 25, 2019, an order of dismissal was issued by Chief Justice Thomas, stating Mr. Self's allegations relate directly to the merits of the judges' rulings and must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii).

So this can only be construed as Plain and Clear Error. **First**; The District Court over looked the fact Mr. Self had brought this to the courts attention in a letter to the judge, in regards to the Particularity of the warrants. (See Doc. 96 03/14/2011 PG 5)[Exhibit A]. The District Court judge stated twice that he had read the letter (See Doc. 95 03/14/2011). This was done because Mr. Self's Attorney refused to submit a motion for suppression. Stating the agents would only be given the "good faith exception" but this not true. Under Groh v. Rameriz, 540 U.S. 515, the stated that "no reasonable officer could have believed that a warrant that plainly did not comply with the Fourth Amendment's Particularity requirement was valid". The officers in that case were not entitled

In U.S., 197 L.Ed.2d 678, Bank of America V. City of Miami, (Quoting Gladstone Realtors V. Village of Bellwood, 441 U.S. 91, 60 L.Ed.2d 66); Stare decisis principles compel the court's adherence to those precedents, and principles of statutory interpretation demand that the court respect congress' decision to ratify those precedents when it reenacted the relevant statutory.

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Second, The error is very plain and clear, all you have to do is look at the face of the warrant to see there is no description of the places to searched nor items to be seized, with in the four corners of the warrant. There is also no incorporation of the affidavit. (See Exhibit B). In Groh V. Ramirez, supra, on Certiorari, the United States Supreme Court affirmed (1) the warrant was invalid, and the search was clearly unreasonable, in violation of the Fourth Amendment, for among other matters, (a) the warrant failed altogether to comply with the Fourth Amendment's unambiguous requirement that the warrant particularly describe the persons or things to be seized; (b) the fact the application for the warrant adequately describe the things to be seized did not save the warrant facial invalidity; (c) By not describing the items to be seized at all, the warrant was so obviously deficient that the search had to be regarded as "warrantless"

So the Court can see that this search was unconstitutional and warrantless. Most Courts construe a warrant with reference to a supporting document or affidavit if (1) the warrant uses appropriate words of incorporation, and (2) the supporting document accompanies the warrant

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Third; By the failure to adhere to the Constitution and the holdings of the Supreme Court, and the ninth Circuit Court of Appeals, the District Court as well as the four judges this honorable Court, violated the Fourth Amendment of the Constitution, thereby violated Mr. Self's constitutional rights, and

substantial rights, by statute, and holding of the Courts.

Finally; It does seriously effects the fairness, integrity and public reputation of the judicial proceedings.

Barnes V. Gorman, 536 U.S. 181, 189 (2002); Our conclusion is consistent with the "well settled" rule that "where legal rights have been violated, and a Federal Statute provides for a general right to sue, for such invasion, Federal Courts may use any available remedy to make good the wrong done" Bell V. Hood 327 U.S. 678, 684 (1946).

Mickens V. Taylor, 535 U.S. 162 (2001)(quoting Offutt V. United States, 348 U.S. 11 (1954)"Justice must satisfy the appearance of justice"

Conclusion; Mr Self believes he has shown this court that both his constitutional rights, and substantial rights have been violated, and it is very plain and clear.. That his sentence should be remanded and vacated for these reasons.

(1) The lack of particularity in the warrant. (2) The lack of incorporation of the affidavit on the face of the warrant. (3) The lack of the presents of the affidavit at the execution of the warrant, by a person and persons [8 total agents and officers] not being the author of the warrant. (3) By Supreme Court holding there would be no reasonable officer to believe the warrant was legal. (4) And this case should be treated like, like case's.

Submitted this _____ day of _____, 2019

Richard Larry Self
Reg. No. 30099-008
FCI Englewood
9595 West Quincy Ave.
Littleton, CO 80123

EXHIBIT A

EXHIBIT A

EXHIBIT A

EXHIBIT A

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FILED RECEIVED	PAGE 1 of 7	LODGED COPY
MAR 14 2011		
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA		
BY _____		DEPUTY

MARCH 5 2011

HONORABLE DAVID G CAMPBELL
UNITED STATES COURT
401 W WASHINGTON ST. Room 603
PHOENIX, AZ 85003

CR 10-8036-01-PCT-DGC

RE: UNITED STATES V RICHARD LARRY SELF
CR-10-8036-PCT-DGC

HONORABLE DAVID G CAMPBELL

ON NOV 17 2010 I CAME INTO YOUR COURT EXERCISING MY RIGHT TO A FAIR HEARING BY JURY. THE JURY I GOT, BUT I DON'T SEE THE FAIR HEARING. WHEN I WAS NOT ALLOWED TO CALL WITNESSES IN MY BEHALF, I COULD NOT TESTIFY FOR MYSELF. I ASKED THE COURT ON TWO DIFFERENT OCCASIONS, BUT WAS DENIED BOTH TIMES. AS A RESULT MY PUBLIC DEFENDER NEVER GIVE ME A DEFENSE, SEE NEVER GIVEN CROSS EXAMINED WITNESSES. SO DEAN SEAM WAS ALLOWED TO ENTER PURSUED TESTIMONY, AND SHARI JEANNE SELF WAS ALLOWED TO PURSUE HERSELF WITH COACHED TESTIMONY.

SHARI JEANNE SELF SUFFERED A STROKE A FEW YEARS EARLIER, THAT EFFECTED HER SHORT TERM MEMORY. SHE HAS TO WRITE DOWN DAY TO DAY THINGS TO DO OR SHE FORGETS. I THINK YOU CAN REMEMBER SHE COULD NOT REMEMBER HOW TO OPEN THE COMPUTER SHE USED FOR OVER A YEAR EVERY DAY MY PUBLIC DEFENDER JANE MCCLELLAN KNEW ALL OF THIS INFORMATION AND STILL DID NOT CROSS EXAM. SHARI HAD ALREADY LIED IN TWO DIFFERENT COURTS IN TWO COUNTIES YAVAPIA COUNTY AND MARICOPA COUNTY. JANE KNEW THIS AND HAD THE PAPERWORK, AND STILL DID NOT CROSS EXAM.

JANE MCCLELLAN NEVER INTERVIEWED ANY OF MY PROPOSED WITNESSES, SHE PUT OFF HEARING DATES, WITHOUT TALKING TO ME ABOUT IT. THERE WAS NEVER ANY COMMUNICATION BETWEEN US. SHE SPENT MORE TIME CONSPIRING WITH THE U.S. ATTORNEY THAN SHE DID TALKING TO ME, ABOUT THE CASE. I THINK THIS CASE WAS WAY OVER HER HEAD. SHE ADMITTED TO ME SHE HAD NO COMPUTER KNOWLEDGE AND LITTLE SKILL WITH ONE, SHE HAD A EXPERT CHECK MY COMPUTER, BUT NEVER USED ANY INFO. SHE TOLD ME FROM THE TIME WE MET. SHE THOUGHT I WAS

positively, never once did she listen to what I had to say and the theories I had on how this came about.

I believe it says in the 6th Amendment, I have the right to procure witnesses and have the assistance of counsel. Webster's dictionary defines assistance as: To support, help, aid. I cannot see where I was given any of that. She always did what she wanted.

And now in the probation report she is allowing them to attack my two daughters. Dawn is Dawn's syndrome and the sunshine of my life. When you ask her leading questions the answers will always be yes. And Robin has not lived in my household from the time she was 18 (1990) until late 2007 when she and her husband were getting a divorce. She helped with her mother in the last few months of her life. I have done nothing but be there for my kids all 2 of them. Even the one that's counsel all of this trouble. It is not the first time Bernette Sehm has tried to get me or her mother in trouble. She had it in mind if she could break us up she could get her mom and dad back together.

Dawn Sehm has not been in my house since August 2006 the last time Bernette Sehm (step-daughter) was in my house was on August 23, 2007 when she forced her mom out of the house of her death bed and took her to a notary and had a notary signed that Bernette herself wrote, 23 days later her mother passed. Prior to that the last time she was at my home was August 2006, and since she has not been in my home.

Like it never was brought up in court by my public defender that the case in question and USB thumbs were not in my. I only owned three thumbs not the 14 or so depicted in court. (This could have been proven by witnesses) the case was not mine (this could have been proven in court) the down home thing was impossible for me if they would have done the math. I give it to my attorney, 371 miles from Henderson NV to Phoenix, AZ. traveling US 95 to US 62 - into Parker Arizona. Continuing on Arizona 15 to I 10 at Quartzite. Then east on I 10. To 5th Ave exit. 90 to 5th this is two lane Rd. I drive this in 5.5 hours that averages 67 miles per hour. That would never give me the time it would take to find a place along 2 lane Hwy. to safely park

(3)

to get the equipment out, set it up, get on my ISP. Then onto the selected site, do a 8 min download. once you leave Seawright NV. till you get to Quartzite there is very little phone service, I have never brought any of this up.

I had witnesses to prove I was no writer, that I am a very computer dummy. I always had to get one of my kids to show me. I never even owned a computer until March 2008. The desk top was my wife's and she had a laptop that was given to Dawn. I never thought I would need one. Then my wife of 35 years died and left everything for me to do. I don't know how I would of managed without my kids, specially my son James and daughter-in-law Dawn. That house lived with us and was them as next door for 30 years. And my daughter Robin got some so much of her life to help me and her sister Dawn. And now she is being persecuted for doing it by her half-sister.

All of this Ben Beemer and Dean Dehn to get guardianship of Dawn. It's funny she was making commits about me being in trouble days before the 1st search of my home. And her fight with the courts. Starting in Maricopa County, Superior Court. When they found nothing wrong and refused her custody. Then all of a sudden I'm arrested. And she filling in yavapai court using the molestation and other charges against me. Then was none no molestation at the hearing at surprise. Add info here.

I never didn't bring up the fact I never ever commit my thumbs on disc on the truck for fear of the getting damaged, lost, or stolen. And the fact that they had been missing for the prior 3 weeks. As of the fact that Dean Dehn works approx 2 blocks from where I live. He was a top tier with Ryder Trucks, winning many awards for this. And our trucks are kept behind a US Federal Building. going to and from work we pass with in 1/2 a block. He knew my truck and truck numbers. Dean Dehn was also very knowledgeable for how. His father was a police officer and correction officer in Arizona.

I have never done anything to harm a child mine or any one else's. I even helped raise 2 of my granddaughters. I have worked hard to make sure they had the things to be a child.

To Holding down 2 jobs or being gone for a week at a time
 working construction to be sure they had the TV's, Bikes, games, and
 to be able to take them places like Sea World, marine world
 of Florida USA, Mission Bay Park, major mountains, to buy them the
 goods and motorcycles. It should be fun to be a child it should
 never hurt. And I have dedicated my life to my children
 I have never hurt one of them and would never do so.
 And if the probation dept or anyone else would have asked
 them they would have told them so. But the only ones they
 talked to was Bernstein and him.

Dawn is not afraid of me, if we could be just in the
 same room it would be total. And she is always asking
 when her Daddy pops in. me going to prison don't bother
 me. Not as much as what they are doing to her.
 I was not allowed to go to the Guardianship Hearing on
 April 13 2010 so I lost her. Now I was not giving
 a chance for a Fair Hearing so I will be going to prison
 for something I never did nor would ever think of
 doing. But at least I have my families support and
 knowledge I could never hurt a child.

Sony I sound bitter, but I seen a lot of foulties
 and Wilson is a systemer always followed in. I always
 thought and believed in the Constitution of this country.
 the Bill of rights, our Civil Rights, but I also see
 they are out the window also. In some of the decisions
 I seen from the Supreme Court and the Federal Court
 of Appeals, if I might include a few:

Imbler v Pachtman 424 US 409 (1976): They may violate
 Civil Rights in initiating prosecution and presenting a case.
 They may knowingly use false testimony (same case)

Second Circuit Federal Court of Appeals: Immunity extends
 to all activities closely associated with litigation or potential
 litigation. DAVIS v Gausemeyer 896 F.2d 617 (1993)

Ninth Circuit Federal Court of Appeals: They may
 knowingly offer perjured testimony. JONES v SHANKLAND 800
F.2d 310 (1987)

tenth Circuit Federal Court of Appeals. They may knowingly file charges against innocent persons for a crime that never occurred. *Norton v Liddle*, 620 F.2d 1375 (1980)

Whatever happened to Count in his like in (1803) when Chief Justice John Marshall said in *Marbury v. Madison*; that it was the duty of the judiciary to say what law is including expounding and interpreting that law. The law contained in the Constitution. He said was paramount.

in a letter to James Madison by Thomas Jefferson dated Dec 20, 1787. said, "A bill of rights what the people are entitled to against every government on earth, General or Particular, and what no just Government should refuse, or rest on inference.

It was held to be the due process of law was guaranteed in the 5th, 6th and 14th amendments and right to protection of illegal search and seizure in the 4th. but it seems even those rights have factored.

United States v. Havens (1980) allowed use of illegally obtained evidence to contradict a defendant's testimony.

United States v. Salvucci (1980) restricted a defendant's 'Automatic Standing' to challenge search and seizure.

Like it was my understanding under the *Miranda v. Arizona* (1966) ruling an arrested person must be warned of the right to remain silent, of the right to an attorney, where one will be provided if defendant cannot afford one. "As soon as the arrest is made."

These facts show the search warrant of the house did not include the reason for the search nor the items that could be seized. the names of the items. I was never shown a warrant given a copy of one nor a receipt for items seized. nor was shown given one. When our persons were searched without warrants or arrest, copies of numbers from various cards were taken from my wallet.

And I was not given my Miranda rights at time of arrest. nor was I given an attorney when on Jan on 3 different occasions before going to court. all of this was brought to my public defender's attention while she decided to ignore instead of investigate.

because of all the reasons I mentioned I will not appeal this case. I do not want to be put thru the Enforcement and Humiliation again, because I have no say so in the outcome of my life. So I leave my life in your hands. With the knowledge that there is a lot of evidence for the defense that was never produced because I had a public defender that never wanted to go to trial. she continually tried to get me to sign a plea agreement long before one was even given.

it's sad to think so many are conditioned to believe that if they go to court, that they will get a fair trial, that they will have justice and better yet a remedy. while only 2% might.

it's sad to see a person take his rights to a fair hearing and be punished for doing so. it's sad to see a system where you uphold your right to testify for yourself and be called a liar and receive an additional 2 years because you lost.

I believe with a system like this we all lose. I believe as Barry Goldwater said. "Our Constitutional Movement is the finest thing devised by man. Why screw with it?"

it only hope some mechanism realizes how many lives are affected by the decision of not defending me. affected, besides my own. as is it as my grandson dropped out of high school in his second year. top I am to his class says. "Grandpa. seeing what they are doing to you. I can not in clear conscience finish high school. I was under the impression that our system was a system of justice for all." He is now in engineering school at San Diego State. (God)

Richard Larry Self

EXHIBIT B

EXHIBIT B

EXHIBIT B

EXHIBIT B

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AO 93 (Rev. 01/09) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the
District of ArizonaIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)2007 Kenworth W900 Semi-Tractor/Truck
VIN #1XKWD48X87R185271, Unit #157

Case No. 10-4091MB

SEARCH, SEIZURE AND FORFEITURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____ Arizona
(Identify the person or describe the property to be searched and give its location):

See Attachment A

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be seized):

See Attachment B

I find that the affidavit(s), or any recorded testimony, establish probable cause to search, seize and hold for possible forfeiture proceedings the person or property.

YOU ARE COMMANDED to execute this warrant on or before

3-3-10

(not to exceed 14 days)

☐ In the daytime 6:00 a.m. to 10 p.m. ☒ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge

Mark E. Aspy
(Name)☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for _____ days (not to exceed 30),
☐ until, the facts justifying, the later specific date of _____.

Date and time issued: 2-17-10 3:20 P.M.

Mark E. Aspy
Judge's signature

City and state: Flagstaff, Arizona

MARK E. ASPBY, U.S. Magistrate Judge
Printed name and title

0031/

Case 3:10-cr-08036-DGC Document 47-1 Filed 10/14/10 Page 3 of 56

AO 93 (Rev. 01/09) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the
District of ArizonaIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)5750 North Desert Pine Road
Rimrock, Arizona 86335

Case No. 10-040174B

SEARCH, SEIZURE AND FORFEITURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search
of the following person or property located in the _____ District of _____ Arizona
(Identify the person or describe the property to be searched and give its location):

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The person or property to be searched, described above, is believed to conceal (Identify the person or describe the
property to be seized):

See Attachment B

I find that the affidavit(s), or any recorded testimony, establish probable cause to search, seize and hold for
possible forfeiture proceedings the person or property.

YOU ARE COMMANDED to execute this warrant on or before

2-16-12

(not to exceed 14 days)

☒ In the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as I find reasonable cause has been
established.Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property
taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the
place where the property was taken.The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an
inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge

(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay
of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be
searched or seized (check the appropriate box) ☐ for _____ days (not to exceed 30).☐ until, the facts justifying, the later specific date of _____.

Date and time issued: 1-27-12 3:10 PM

Judge's Signature

City and state: Flagstaff, Arizona

MARK E. ASPEY, U.S. Magistrate Judge
Printed name and title

01235

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

RICHARD LARRY SELF	§	
PETITIONER	§	Case No.
	§	3:18-cv-08070-DGC-MHB
Vs.	§	3:13-cv-08199-PHX-DGC
	§	3:10-cr-08036-DGC-1
UNITED STATES OF AMERICA	§	
RESPONDENT	§	
	§	

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to qualified immunity. So there was no excuse for the Attorney not have filed a motion for suppression.

In *Groh V. Ramirez*, 540 U.S. 515 (2004); The Court states; The Federal Constitution's Fourth Amendment by its terms require particularity in a warrant not the supporting documents.

This decision was made upholding that of the Ninth Circuit Court of Appeals *Ramirez V. Butte-Silver Bow County*, 298 F.3d 1022 (9th cir, 2002); To satisfy the Fourth Amendment, a search warrant must describe with particularity the place to be searched and the items to be seized; U.S. Constitution Amendment IV.

Again in *United States V. Wong*, 334 F.3d 831, 832 (9th cir. 2003): The Fourth Amendment requires that the warrant particularly describe both the place to be searched and the person or things to be seized. The Description must be pacific enough to enable the person conducting the search reasonably to identify the things authorized to be seized, and prevent general exploratory searches and indiscriminate rummaging through a persons belongings. This requirement and accompanying affidavit, once properly noted on the face of the warrant, is especially needed were agents and officers are unfamiliar with the warrant affidavit requirement enforce the search warrant, which was written by a person other than the one that is there and in charge of the search.

Agent Schable was the author of the affidavit, but was not at the the time the warrant was executed. Agent John Koski was in charge of the execution of the warrant. Agent Schable was on approved leave when the warrant was executed. See (Doc. 79 11/18/2010) Also (See Exhibit B, Warrants).

The Ninth Circuit Decided in *United States V. Sedaghaty*, 728 F.3d 885, 925 (9th cir. 2012)(Quoting *Doe V. Groody*, 361 F.3d 232, 239-241 (3rd Cir. 2004); "it is simple logic that when an affidavit is not incorporated the enforcement is precluded from relying upon it, and to do so would exceed the scope of the warrant.

There is just no justifiable reason why the District Court would rule against the constitution, the holdings of the Supremem Court and the holdings of the Ninth Circuit.

Mr. Self has filed numerous motions with the District Court and every time the court has ruled against the Fourth Amendment Particularity Requirement. The Circuit Court ruled against Mr. Self when asking for appeal on the denial of COA and on his motion for Reconsideration for the COA.

In U.S., 197 L.Ed.2d 678, Bank of America V. City of Miami, (Quoting Gladstone Realtors V. Village of Bellwood, 441 U.S. 91, 60 L.Ed.2d 66); Stare decisis principles compel the court's adherence to those precedents, and principles of statutory interpretation demand that the court respect congress' decision to ratify those precedents when it reenacted the relevant statutory.

H Packing & Sales co., V. Tanimura Dist., 850 F.3d 446, 456 (9th cir. 2016)(Citing United States V. Lucas, 963 F.2d 243, 247 (9th cir. 1992)(noting that subsequent panels are barred by prior panel decisions and only the en banc Court may overrule panel precedent) In Re Osborne, 76 F.3d 306, 309 (9th cir. 1996); ("[T]he doctrine of stare decisis concerns the holdings of previous cases, not the rationals[.], and in Simmonds V. Credit Suisse Sel (USA) LLC., 638 F.3d 1072 (9th cir. 2010); the District Court is bound by stare decisis to apply our holdings.

Second, The error is very plain and clear, all you have to do is look at the face of the warrant to see there is no description of the places to searched nor items to be seized, with in the four corners of the warrant. There is also no incorporation of the affidavit. (See Exhibit B). In Groh V. Ramirez, supra, on Certiorari, the United States Supreme Court affirmed (1) the warrant was invalid, and the search was clearly unreasonable, in violation of the Fourth Amendment, for among other matters, (a) the warrant failed altogether to comply with the Fourth Amendment's unambiguous requirement that the warrant particularly describe the persons or things to be seized; (b) the fact the application for the warrant adequately describe the things to be seized did not save the warrant facial invalidity; (c) By not describing the items to be seized at all, the warrant was so obviously deficient that the search had to be regarded as "warrantless"

So the Court can see that this search was unconstitutional and warrantless. Most Courts construe a warrant with reference to a supporting document or affidavit if (1) the warrant uses appropriate words of incorporation, and (2) the supporting document accompanies the warrant

SDIS:Future Health INC., 568 F.3d 684, 690 (9th cir. 2009) "the affidavit either [be] attached physically to the warrant or at least accompan[y] the warrant while agents execute the search ... courts consider an affidavit to be part of the warrant, and therefore potentially curative of any defect.

Third; By the failure to adhere to the Constitution and the holdings of the Supreme Court, and the ninth Circuit Court of Appeals, the District Court as well as the four judges this honorable Court, violated the Fourth Amendment of the Constitution, thereby violated Mr. Self's constitutional rights, and

substantial rights, by statute, and holding of the Courts.

Finally; It does seriously effects the fairness, integrity and public reputation of the judicial proceedings.

Barnes V. Gorman, 536 U.S. 181, 189 (2002); Our conclusion is consistent with the "well settled" rule that "where legal rights have been violated, and a Federal Statute provides for a general right to sue, for such invasion, Federal Courts may use any available remedy to make good the wrong done" Bell V. Hood 327 U.S. 678, 684 (1946).

Mickens V. Taylor, 535 U.S. 162 (2001)(quoting Offutt V. United States, 348 U.S. 11 (1954)"Justice must satisfy the appearance of justice"

Conclusion; Mr Self believes he has shown this court that both his constitutional rights, and substantial rights have been violated, and it is very plain and clear... That his sentence should be remanded and vacated for these reasons.

(1) The lack of particularity in the warrant. (2) The lack of incorporation of the affidavit on the face of the warrant. (3) The lack of the presents of the affidavit at the execution of the warrant, by a person and persons [8 total agents and officers] not being the author of the warrant. (3) By Supreme Court holding there would be no reasonable officer to believe the warrant was legal. (4) And this case should be treated like, like case's.

Submitted this _____ day of _____, 2019

Richard Larry Self
Reg. No. 30099-008
FCI Englewood
9595 West Quincy Ave.
Littleton, CO 80123

EXHIBIT A

EXHIBIT A

EXHIBIT A

EXHIBIT A

EXHIBIT A

FILED RECEIVED	Page 1 of 7	LOGGED COPY
MAR 14 2011		
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA		
BY _____		DEPUTY

MARCH 5 2011

HONORABLE DAVID G CAMPBELL
UNITED STATES COURT
401 W WASHINGTON ST. ROOM 603
PHOENIX, AZ 85003

CR 10-8036-DI-PCT-DGC

RE: UNITED STATES V RICHARD LARRY SELF
CR-10-8036-PCT-DGC

HONORABLE DAVID G CAMPBELL

ON NOV 17 2010 I CAME INTO YOUR COURT ELECTING MY RIGHT TO A FAIR HEARING BY JURY. THE JURY I GOT, BUT I DON'T SEE THE FAIR HEARING. WHEN I WAS NOT ALLOWED TO CALL WITNESSES IN MY BEHALF, I COULD NOT TESTIFY FOR MYSELF. I ASKED THE COURT ON TWO DIFFERENT OCCASIONS, BUT WAS DENIED BOTH TIMES. AS A RESULT MY PUBLIC DEFENDER NEVER GIVE ME A DEFENSE, SEE NEVER GIVEN CROSS EXAMINED WITNESSES. SO DEAN SEHM WAS ALLOWED TO ENTER PURSUED TESTIMONY, AND SHARI JEANNE SELF WAS ALLOWED TO PURSUE HERSELF WITH COACHED TESTIMONY.

SHARI JEANNE SELF SUFFERED A STROKE, A FEW YEARS EARLIER, THAT EFFECTED HER SHORT TERM MEMORY. SHE HAS TO WRITE DOWN DAY TO DAY THINGS TO DO OR SHE FORGETS.

I THINK YOU CAN REMEMBER SHE COULD NOT REMEMBER HOW TO OPEN THE COMPUTER SHE USED FOR OVER A YEAR EVERY DAY

MY PUBLIC DEFENDER JANE MCCLELLAN KNEW ALL OF THIS INFORMATION AND STILL DID NOT CROSS EXAM. SHARI HAD ALREADY LIED IN TWO DIFFERENT COURTS IN TWO COUNTIES YAVAPIA COUNTY AND MARICOPA COUNTY. JANE KNEW THIS AND HAD THE PAPERWORK, AND STILL DID NOT CROSS EXAM

JANE MCCLELLAN NEVER INTERVIEWED ANY OF MY PROPOSED WITNESSES, SHE PUT OFF HEARING DATES, WITHOUT TALKING TO ME ABOUT IT. THERE WAS NEVER ANY COMMUNICATION BETWEEN US. SHE SPENT MORE TIME CONSPIRING WITH THE U.S. ATTORNEY THAN SHE DID TALKING TO ME, ABOUT THE CASE. I THINK THIS CASE WAS WAY OVER HER HEAD. SHE ADMITTED TO ME SHE HAD NO COMPUTER KNOWLEDGE AND LITTLE SKILL WITH ONE, SHE HAD A EXPERT CHECK MY COMPUTER, BUT NEVER USED ANY IN P.D. SHE TOLD ME FROM THE TIME WE MET. SHE THOUGHT I WAS

positively. never once did she listen to what I had to say and the theories I had on how this came about.

I believe it says in the 6th amendment, I have the right to procure witnesses and have the assistance of counsel. Webster's dictionary defines assistance as: to support, help, aid. I cannot see where I was given any of that. She always did what she wanted.

And now in the probation report she is allowing them to attack my two daughters. Dawn is Down's syndrome and the sunshine of my life. When you ask her leading questions the answers will always be yes. And Robin has not lived in my household from the time she was 18 (1990) until late 2007 when she and her husband were getting a divorce. She helped with her mother in the last few months of her life. I have done nothing but be there for my kids all of them. Even the one that's caused all of this trouble. It is not the first time Bernetha Sehn has tried to get me or her mother in trouble. She had it in mind if she could break us up she could get her mom and dad back together.

Dawn Sehn has not been in my house since August 2006. The last time Bernetha Sehn (step-daughter) was in my house was on August 23, 2007 when she forced her mom out of the house off her death bed and took her to a motory and had a will signed that Bernetha herself wrote. 23 days later her mother passed. prior to that the last time she was at my home was August 2006. And since she has not been in my home.

Like it never was brought up in court by my public defender, that the case in question and USB thumbs were not his. I only owned three thumbs not the 14 or so depicted in court. (This could have been proven by witnesses) the case was not mine (this could have been proven in court) the down load time was impossible for me if they would have done the math. I give it to my attorney, 371 miles from Henderson NV to Phoenix, AZ. traveling US 95 to US 62 - into PARKER ARIZONA. Continuing on ARIZONA 15 to I 10 at Quartzite. Then east on I 10. to 5th Ave exit. 9070 ft. This is two lane Rd. I drive this in 5.5 hours. That averages 67 miles per hour. That would never give me the time it would take to find a place along 2 lane Hwy. to safely park

(3)

to get the equipment out, set it up, get on my ISP. Then onto the selected site. do a 8 min download. once you leave Searchlight NV. till you get to Quartzite there is very little phone service, I have never brought any of this up.

I had witnesses to prove I was no writer, that I am a very Compton Dumbey. I always had to get one of my kids to show me. I never even owned a computer until March 2008. The Desktop was my wife's and she had a laptop that was given to Dawn. I never thought I would need one. Then my wife of 35 years died and left everything for me to do. I don't know how I would be managed without my kids, specially my son James and Daughter-in-law Laura. That how we lived with us on us them on next door for 30 years. And my Daughter Robin lost some so much of her life to help me and her sister Dawn. And now she's been persecuted for doing it by her half-sister.

All of this Bay Beimeter and Deane Dehman to get Hardship of Dawn, it's funny she was making commits about me being in trouble days before the 1st Seance of my home. And her FBI's with the courts. Starting in Maricopa County, Superior Court. When they found nothing wrong and refused her custody. Then all of a sudden I'm arrested. And she filling in yavapai court using the molestation and other charges against me. There was never no molestation at the hearing at surprise. Add info here.

I never didn't bring up the fact I never ever committed my thumbs on disc on the trucks for fear of them getting damaged, lost, or stolen. And the fact that they had been missing for the prior 3 weeks. As of the fact that Deane Dehman works approx 2 blocks from where I lived. She was a top tier with Ryder Trucks, winning many awards for this. And our trucks are kept behind a UN Fenced Building. Going to and from work we pass with in 1/2 a block. He knew my truck and truck numbers. Deane Dehman was also very knowledgeable for how. His father was a peace officer and corrective officer in Arizona.

I have never done anything to harm a child mine or any one else's. I even helped raise 2 of my granddaughters. I have worked hard to make sure they had the things to be a child.

(48)

To Holding down 2 jobs or being gone for a week at a time
 working construction to be sure they had the TV's, Bikes, Games, And
 to be able to take them places like Sea World, Marine World
 Africa USA, Mission Bay Park, Major mountains, to buy them the
 goods and necessities. It should be fun to be a child it should
 never hurt. And I have dedicated my life to my children
 I have never hurt one of them and would never do so.
 And if the probations dept or anyone else would have asked
 them they would have told them so. But the only ones they
 talked to was Bernstein and him.

Raven is not afraid of me. If we could be put in the
 same room it would be told. And she is always asking
 when her Daddy pops is. me going to prison don't bother
 me near as much as what they are doing to her.
 I was not allowed to go to the Guardianship Hearing on
 April 13 2010 so I lost her. Now I was not going
 a chance for a Fair Hearing so I will be going to prison
 for something I never did nor would ever think of
 doing. But at least I have my families support and
 knowledge I could never shut a child.

Sony I sound bitter, but I seen a lot of foult
 and Wilson is a system I always believed in. I always
 thought and believed in the Constitution of this country.
 The Bill of rights, our Civil Rights. But I also see
 they are out the window also in some of the decisions
 I seen from the Supreme Court and the Federal Court
 of Appeals. if I might include a few:

Imbler v Pachtman 424 US 409 (1976): They may violate
 Civil Rights in initiating prosecution and presenting a case.
 They may knowingly use false testimony (same case)

Second Circuit Federal Court of Appeals: Immunity extends
 to all activities closely associated with litigation or potential
 litigation. DAVIS v GRUSEMEYER 896 F.2d 617 (1993)

Ninth Circuit Federal Court of Appeals: They may
 knowingly offer perjured testimony. JONES v STANLAND 800
F.2d 310 (1987)

tenth Circuit Federal Court of Appeals. They may knowingly file charges against innocent persons for a crime that never occurred. Norton v Liddle 620 F.2d 1375 (1980)

Whatever happened to Count in his like in (1803) when Chief Justice John Marshall said in Marbury v Madison; that it was the duty of the judiciary to say what law is including expounding and interpreting that law. the law contained in the Constitution. He said was paramount.

in a letter to James Madison by Thomas Jefferson dated Dec 20, 1787. said. "A bill of rights is what the people are entitled to against every government on earth, General or particular, and what no just government should refuse, or rest on inference

it was bad to believe due process of law was guaranteed in the 5th, 6th and 14th amendments and right to protection of illegally search and seizure in the 4th. but it seems even those rights have been doctored.

United States v Havens (1980) allowed use of illegally obtained evidence to contradict a defendant's testimony

United States v Salvucci (1980) Restricted a defendant's 'Automatic Standing' to challenge search and seizure.

Like it was my understanding under the Miranda v Arizona (1966) ruling an arrested person must be warned of the right to remain silent, of the right to an attorney. When one will be provided if defendant cannot afford one. "As soon as the arrest is made."

These facts show, the search warrant of the house did not include, the reason for the search nor the items that could be seized. the search of the house. I was never shown a warrant given a copy of one nor a receipt for items seized. nor was shown given one. Even our persons were searched with out warrant or arrest. Copies of numbers from various cards were taken from my wallet.

And I was not given my Miranda rights at time of arrest. nor was I given an attorney when out. Just on 3 different occasions before going to court. all of this was brought to my public defender's attention while she decided to ignore instead of investigate.

Because of all the reasons I've mentioned I will not appeal this case. I do not want to be put thru the Enforcement and Humiliation again, because I have no say so in the outcome of my life. So I leave my life in your hands. With the knowledge that there is a lot of evidence for this defense that was never produced because I had a public defender that never wanted to go to trial. She continually tried to get me to sign a plea agreement long before one was even given.

It's sad to think so many are conditioned to believe that if they go to court, that they will get a fair trial, that they will have justice and better yet a remedy. While only 2% might.

It's sad to see a person take his rights to a fair hearing and be punished for doing so. It's sad to see a system where you uphold your right to testimony for your self and be called a liar and receive an additional 2 years because you lost.

I believe with a system like this we all lose. I believe as Barry Goldwater said. "Our Constitutional Government is the finest thing devised by man. Why screw with it?"

It only hope the media realizes how many lives are affected by this decision of not defending me. affected besides my own. or is it as my grandson chopped out of high school in his second year. (top 10 in his class) says. "Grandpa. seeing what they are doing to you. I can not in clear conscience finish high school. I was under the impression that our system was a system of justice for all." He is now in engineering school at San Diego State. (God)

Richard Larry Self

EXHIBIT B

EXHIBIT B

EXHIBIT B

EXHIBIT B

EXHIBIT B

EXHIBIT B

AO 93 (Rev. 01/09) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the
District of ArizonaIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)2007 Kenworth W900 Semi-Tractor/Truck
VIN #1XKWD48X87R185271, Unit #157

Case No. 10-4091MB

SEARCH, SEIZURE AND FORFEITURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search
of the following person or property located in the _____ District of _____ Arizona
(Identify the person or describe the property to be searched and give its location):

See Attachment A

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the
property to be seized):

See Attachment B

I find that the affidavit(s), or any recorded testimony, establish probable cause to search, seize and hold for
possible forfeiture proceedings the person or property.

YOU ARE COMMANDED to execute this warrant on or before

3-3-10

(not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10 p.m. ☒ at any time in the day or night as I find reasonable cause has been
established.Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property
taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the
place where the property was taken.The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an
inventory as required by law and promptly return this warrant and inventory to United States Magistrate JudgeMark E. Aspy
(name)☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay
of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be
searched or seized (check the appropriate box) ☐ for _____ days (not to exceed 30),
☐ until, the facts justifying, the later specific date of _____.

Date and time issued: 2-17-10 3:20 P.M.

Mark E. Aspy
Judge's signature

City and state: Flagstaff, Arizona

MARK E. ASPY, U.S. Magistrate Judge
Printed name and title

0031/

Case 3:10-cr-08036-DGC Document 47-1 Filed 10/14/10 Page 3 of 56

AO 93 (Rev. 01/02) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the
District of ArizonaIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)5750 North Desert Pine Road
Rimrock, Arizona 86335

Case No. 10-04017MB

SEARCH, SEIZURE AND FORFEITURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search
of the following person or property located in the _____ District of _____
(Identify the person or describe the property to be searched and give its location);

See Attachment A

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the
property to be seized);

See Attachment B

I find that the affidavit(s), or any recorded testimony, establish probable cause to search, seize and hold for
possible forfeiture proceedings the person or property.

YOU ARE COMMANDED to execute this warrant on or before

2-1-11

(not to exceed 14 days)

☒ In the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as I find reasonable cause has been
established.Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property
taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the
place where the property was taken.The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an
inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge

(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay
of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be
searched or seized (check the appropriate box) ☐ for _____ days (not to exceed 30).☐ until, the facts justifying, the later specific date of _____

Date and time issued: 1-27-11 3:10 PM

Judge's signature

City and state: Flagstaff, Arizona

MARK E. ASPEY, U.S. Magistrate Judge
Printed name and title

01235

Certificate of Service

I hereby certify that on this _____ day of _____, 20____, a true and accurate copy of the foregoing was mailed, first class postage pre-paid, addressed as follows:

FROM/BY

Richard Larry Self
F.C.I. Englewood
9595 West Quincy Avenue
Littleton, Colorado
80123-1159

TO

U.S. Attorneys Office
40 North Central Avenue Ste 1200
Phoenix, AZ 85004-4408

DECLARATION

Under Penalty of Perjury

The undersigned declares under penalty of perjury that he is the movant in the above action, that he has read the above pleading and that the information contained therein is true and correct. Pursuant to 28 U.S.C. § 1746; and 18 U.S.C. § 1621.

Executed at F.C.I. Englewood on _____
(Date)

(Movant's Original Signature)

30099-008
 RICHARD SELF
 FEDERAL CORRECTIONAL INSTITUTION
 ENGLEWOOD
 9595 WEST QUINCY AVENUE
 LITTLETON, CO 80123-1159



CLERK OF THE COURT
 U.S. COURT OF APPEALS
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 FEDERAL CORRECTIONAL INSTITUTION
 9595 WEST QUINCY AVE, LITTLETON, CO, 80123

DATE/INITIALS 5/29/19 D

THE ENCLOSED LETTER WAS PROCESSED THROUGH SPECIAL MAILING PROCEDURES FOR FORWARDING TO YOU. THE LETTER HAS NEITHER BEEN OPENED NOR INSPECTED IF THE WRITER RAISES A QUESTION OR PROBLEM OVER WHICH THIS FACILITY HAS JURISDICTION. YOU MAY WISH TO RETURN THE MATERIAL FOR FURTHER INFORMATION OR CLARIFICATION. IF THE WRITER ENCLOSES CORRESPONDENCE FOR FORWARDING TO ANOTHER ADDRESSEE, PLEASE RETURN THE ENCLOSURE TO THE ABOVE ADDRESS.